

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

QUINAULT INDIAN TRIBE,

Plaintiffs,

v.

EDWARD A. COMENOUT, et al.,

Defendants.

CASE NO. C10-05345BHS

ORDER GRANTING  
DEFENDANT'S MOTION  
FOR SUBSTITUTION

This matter comes before the Court on Defendant Edward A. Comenout's ("Comenout") motion for substitution of Mary L. Pearson ("Pearson"), Administrator Ad Prosequendum for the estate of Edward A. Comenout, deceased. Dkt. 20. The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby grants the motion for the reasons stated herein.


Plaintiff Quinault Indian Tribe ("Quinault") filed the instant action on May 14, 2010, alleging multiple causes of action against multiple defendants, including Comenout. Dkt. 1. Comenout died on June 4, 2010. Dkt. 20. On October 15, 2010, Comenout's attorney filed a motion for substitution of Pearson. *Id.* Comenout appointed Robert Comenout Sr. as the personal representative of his estate in his will; however, Comenout's estate has not been admitted to probate due to congestion at the Bureau of Indian Affairs. *Id.* Pearson has agreed to act as the special administrator in this litigation until the estate is admitted into probate. *Id.* Pearson contends that she is fully qualified to

1 act on behalf of Comenout's estate in the instant action under Washington law. *Id.*  
2 Quinault has not filed a response.

3 Having considered Comenout's motion and Quinault's lack of response, the Court  
4 concludes that Pearson is the appropriate party to substitute on behalf of Comenout. *See*  
5 Local Rule CR 7(b)(2) ("[i]f a party fails to file papers in opposition to a motion, such  
6 failure may be considered by the court as an admission that the motion has merit").

7 Therefore, it is hereby **ORDERED** that Comenout's motion for substitution  
8 (Dkt. 20) is **GRANTED** and that Mary L. Pearson, Administrator Ad Prosequendum for  
9 the estate of Edward A. Comenout, is substituted as a defendant in this action in the place  
10 of Edward A. Comenout, which shall hereafter be reflected in the caption.

11 DATED this 8th day of December, 2010.

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14 BENJAMIN H. SETTLE  
15 United States District Judge  
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